

Court of Appeals, State of Michigan

ORDER

Michael Anthony Grabinski v Governor

Docket No. **339082**

LC No. **17-000001-MZ**

Michael F. Gadola, Judge, acting under MCR 7.211(E), orders:

On the Court's own motion, the delayed application for leave to appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the subject delayed application for leave to appeal even though he owes an outstanding balance to this Court in *Michael Anthony Grabinski v Kinross Correctional Facility Warden*, Docket Number 325955. A prisoner who is under the Department's jurisdiction cannot file another civil appeal or original action until the prisoner pays the outstanding balance owed in an earlier civil appeal or original action filed while under the Department's jurisdiction. MCL 600.2963(8).

The motion to order process of pleadings is DENIED. The language in MCL 600.2963(7) cited by appellant is inapposite. Rather, this appeal is barred by MCL 600.2963(8) based on appellant's failure to pay the outstanding fee owed in his prior case in this Court in Docket Number 325955. Further, the supposed promissory note provided with the motion does not constitute payment of the outstanding fee owed in Docket Number 325955.

The motion to waive fees is DISMISSED as moot.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 09 2017

Date



Chief Clerk